

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE:	:	
Maureen O'Connor	:	Chapter 13
	:	
Debtor (s)	:	Case No.: 11-16656 MDC

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**MOTION TO AVOID A JUDICIAL LIEN PURSUANT TO 11 USC 522(f)**

Maureen O'Connor, hereinafter referred to as "Debtor" moves this Honorable Court for an Order Avoiding the Judicial Lien held by FIA Card Services, N.A. and in support thereof aver as follows:

1. Debtor filed a Chapter 13 Bankruptcy on or about August, 26<sup>th</sup>, 2011.
2. The Chapter 13 filing was assigned case number 11-16656.
3. This Motion is filed pursuant to 11 USC 522(f) to avoid and cancel a judicial lien held by FIA Card Services, N.A. on the real property known as and located at 1423 Elbridge St. Philadelphia, 19149.
4. On or about April 20<sup>th</sup>, 2011, FIA Card Services, N.A. through its Attorney David J. Apothaker, Esq., obtained a default Judgment against the Debtor, in the Court of Commons Pleas Philadelphia County as evidenced by the FIA Card Services' proof of claim (Number 1), a true and correct copy of which is attached as "**Exhibit A**" and incorporated herein.
5. The aforementioned default judgment amount was assessed at \$34,169.15.
6. On or about September 8<sup>th</sup>, 2011, FIA Card Services, N.A. filed said proof of claim and elected to not file it as a secured debt, however a lien currently exists on the Debtor's residence as a result of the judgment.

7. Debtor by and through her undersigned Counsel, attempted through correspondence to have said judgment lien stricken and settled by FIA Card Services, LLC, however FIA Card Services, LLC has not complied with the Debtor's request.

8. The Debtor's residence is located at 1423 Elbridge St. Philadelphia, 19149, and at the time of filing had a fair market value of \$105,789.00 as evidenced by a comparative market analysis. A true and correct of the valuation used at the time of filing is attached hereto, marked as "**Exhibit B**" and incorporated herein.

9. The Debtor's residence is encumbered by a first mortgage of \$151,430.30 at the time of filing, now held by Nation Star Mortgage, LLC. See a true and correct copy of the mortgagee's proof of claim (Number 10), filed in the instant case, marked as "**Exhibit C**" and incorporated herein.

10. Under 11 U.S.C § 522 (f)(2)(A) "a lien shall be considered to impair an exemption to the extent that the sum of...(i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens."

11. The aforementioned judicial lien impairs the Debtor's exemption on her residence, and is otherwise unsecured based on the value of the Debtor's real estate.

WHEREFORE, the Debtor requests an Order avoiding the judicial lien on Debtor's residence and for such additional or alternative relief as may be just and proper.

Dated: April 9, 2015

/s/Brad J. Sadek, Esq.  
Brad J. Sadek, Esq.  
Attorney for Debtor  
1315 Walnut Street  
Suite #804  
Philadelphia, PA 19107